

**EQC ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
JUNE 9, 2005**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Solid Waste Enforcement**

- 1)    Order Type and Number:                      Consent Order 05-01-SW  
      Order Date:                                      March 18, 2005  
      Respondent:                                      **Gary Miller Land-Clearing Debris Landfill**  
      Facility:    Same As Above  
      Location/Mailing Address:                      1248 Chime Bell Church Road, Aiken,  
   SC/107 Milestone Circle, Aiken, SC 29803  
  
      County:    Aiken  
      Previous Orders:                                      None  
      Permit/ID Number:                                      022725-1701  
      Violations Cited:                                      South Carolina Solid Waste Policy and  
   Management Act of 1991 (2002); Construction, Demolition and Land-Clearing  
   Debris Landfills Regulation, 25A S.C. Code Ann. Reg. 61-107.11, Part IV, B.1.  
   (Supp.2003); Permit # 022725-1701.

Summary: Gary Miller Land-Clearing Debris Landfill (Respondent) operates a facility located at 1248 Chime Bell Church Road in Aiken, South Carolina (Site). The Department issued the Respondent a land-clearing debris landfill permit (Facility ID # 022725-1701) on May 31, 2002, operating under the General Permit. The Respondent violated its permit and the Regulation by exceeding the annual disposal limit established in its permit.

Action: The Consent Order requires the Respondent to, henceforth, ensure that the annual disposal tonnage limit will not be exceeded and pay to the Department a civil penalty in the amount of one thousand, eight hundred dollars (**\$1,800.00**) for the violations cited. The \$1,800.00 civil penalty payment was received on April 1, 2005.

**Hazardous Waste Enforcement**

- 2)    Order Type and Number:                      Consent Order 05-05-HW  
      Order Date:                                      March 3, 2005  
      Respondent:                                      **Phillips Industrial Services**  
      Facility:    Phillips Industrial Services  
      Location/Mailing Address:                      1841 Bushy Park Road  
   Goose Creek, S.C. 29445  
  
      County:    Charleston  
      Previous Orders:                                      None  
      Permit/ID Number:                                      SCD 987 580 000

Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulations 61-79.262.13(d), R.61-79.262.34(c)(1), R.61-79.262.34(c)(1)(ii), R.61-79.265.15(d), and R.61-79.265.173(a)

Summary: Phillips Industrial Services Corporation (Respondent), located in Goose Creek, South Carolina, specializes in industrial coating, painting, and hydroblasting. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to file a revised or new Notification Form (DHEC 2701) when the information previously submitted became outdated or inaccurate; failure to accumulate wastes initially in containers at or near any point of generation which is under the control of the operator of the process generating the waste; failure to mark containers of hazardous waste either with the words "Hazardous Waste" or with other words that identify the contents of the container; failure to record the time of hazardous waste inspections in an inspection log or summary; and, failure to close all containers holding hazardous waste except when it is necessary to add or remove waste.

Action: The Respondent has agreed to: ensure that a revised or new Notification Form is submitted whenever the information previously provided becomes outdated or inaccurate; ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; ensure that the time of each weekly inspection is recorded in an inspection log or summary; and pay a civil penalty in the amount of two thousand dollars **(\$2,000.00)**. The penalty will be paid in five (5) monthly payments of three hundred thirty-three dollars and thirty-three cents (\$333.33) and one (1) payment of three hundred thirty-three dollars and thirty-five cents (\$333.35).

3) Order Type and Number: Consent Order 05-07-HW  
Order Date: March 18, 2005  
Respondent: **Nation Ford Chemical, Incorporated**  
Facility: Nation Ford Chemical Incorporated  
Location/Mailing Address: 2300 Banks Street  
Fort Mill, SC 29715  
County: York  
Previous Orders: None  
Permit Number: SCD 086 862 950  
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2002) and the South Carolina Hazardous Waste Management Regulations 61-79.262.11, R.61-79.262.34(a)(2), R.61-79.273.13(d)(1), R.61-79.273.14(e) and R.61-79.265.16(a)(1).

Summary: Nation Ford Chemical Incorporated (Respondent) manufacturers sulfanilic acid to be sold for use as an additive to other companies. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to accurately determine if a waste is a hazardous waste; failure to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failure to contain any lamp in containers or packages that are structurally sound,

adequate to prevent breakage, and compatible with the contents of the lamps; failure to label or mark clearly each lamp or a container or package in which such lamps are contained with the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s);" and, failure to ensure that all facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act; ensure that a hazardous waste determination is made on all solid wastes, as defined in R.61-79.261.2; ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; ensure that lamp(s) are stored in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamp(s); ensure that each lamp or a container or package in which lamp(s) are contained is clearly marked or labeled with the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s);" provide documentation to the Department within forty-five (45) days that all facility personnel have successfully completed a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements; and, pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**).

4) <u>Order Type and Number:</u>	Consent Order 05-08-HW
<u>Order Date:</u>	March 18, 2005
<u>Respondent:</u>	<b>Spartan Filtering Systems, Inc.</b>
<u>Facility</u>	Spartan Filtering Systems, Inc.
<u>Location/Mailing Address:</u>	727 Bryant Road Spartanburg, South Carolina 29303
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	N/A
<u>Permit/ID Number:</u>	SCD 982 076 150
<u>Violations Cited:</u>	The South Carolina Hazardous Waste Management Act §44-56-130(2), the South Carolina Hazardous Waste Management Regulations 61-79.262.11, R.61-79.261.5(g)(3)(i), and the South Carolina Solid Waste Management: Used Oil Regulations 25A S.C. Code Reg. 61-107.279.45(i), 25A S. C. Code Reg. 61-107.279.45(g)(1).

Summary: Spartan Filtering Systems, Inc. (Respondent), located in Spartanburg, South Carolina, is a cylinder remanufacturing facility that reconditions and chrome plates used hydraulic cylinders. The Respondent has violated the Hazardous Waste Management Regulations and Solid Waste Management: Used Oil Regulations as follows: failure to make an accurate hazardous waste determination; failure to obtain a permit from the Department prior to treating hazardous waste onsite; failure to comply with applicable Spill Prevention, Control and Countermeasures; and, failure to label or clearly mark all containers and storage tanks or used oil with the words "Used Oil."

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act and Regulations and the South Carolina Solid

Waste Management: Used Oil Regulations; ensure that a hazardous waste determination is made on all solid wastes onsite; ensure that no hazardous waste is treated onsite without first obtaining a permit from the Department; comply with all applicable Spill Prevention, Control and Countermeasures; and, label all used oil storage tanks and containers with the words "Used Oil."

5)     Order Type and Number:                     Consent Order 05-09-HW  
          Order Date:                                 March 25, 2005  
          Respondent:                               **Lubrizol Foam Control Additives**  
          Facility:                                   Lubrizol Foam Control Additives  
          Location/Mailing Address:             195 Brooks Avenue  
   Spartanburg, SC 29307  
  
          County:                                   Spartanburg  
          Previous Orders:                         None  
          Permit Number:                         SCD 069 324 747  
          Violations Cited:                     The South Carolina Hazardous Waste  
Management Act §44-56-130 (2002) and the South Carolina Hazardous Waste  
Management Regulations 61-79.262.13(d), R.61-79.262.34(c)(1)(i)/265.173(a),  
R.61-79.262.34(c)(1)(ii),             R.61-79.262.34(a)(1)(i)/265.173(d),             R.61-  
79.262.34(a)(3),             R.61-79.262.34(a)(1)(i)/265.173(c),             R.61-  
79.262.34(a)(1)(i)/265.174,             R.61-79.262.34(a)(1)(i)/265.15(d),             R.61-  
79.265.16(a)(1),     R.61-79.262.34(a)(4)/265.51(a),     R.61-79.262.41(a),     R.61-  
79.268.7(a)(2) and R.61-79.262.20(a).

Summary:     Lubrizol Foam Control Additives (Respondent) manufacturers defoamers and additives for inks. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to file a revised or new Notification form whenever the information previously provided became outdated or inaccurate; failure to have its containers holding hazardous waste closed during storage except when it is necessary to add or remove waste; failure to mark its containers with either the words "Hazardous Waste" or with other words that identify the contents of the container; failure to ensure that each container was appropriately labeled with an EPA Hazardous Waste Number; failure to mark each container clearly with the EPA Hazardous Waste Number and the words: "Hazardous Waste – federal laws prohibit improper disposal;" failure to ensure that each container containing hazardous waste is permanently and legibly marked with the following or equivalent statement: "Hazardous Waste – federal laws prohibit improper disposal;" failure to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors; failure to record inspections in an inspection log or summary and keep the records at the facility for at least three years from the date of the inspection; failure to ensure that all facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance; failure to have a contingency plan for its facility; failure as a generator of more than 1000 kg/mo of hazardous waste who ships any hazardous waste offsite to a treatment, storage, and disposal facility within the United States to prepare and, no later than thirty (30) days after the end of each quarter; failure to include with the initial shipment of waste to each treatment and storage facility, a onetime written notice of land disposal restriction; and,

failure to prepare a manifest...according to the instruction included on the reverse side of the form.

Action: The Respondent has agreed to: ensure compliance with the South Carolina Hazardous Waste Management Act; ensure that a revised or new Notification form is filed whenever the information previously provided becomes outdated or inaccurate; ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; ensure that all facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance; ensure that quarterly reports are submitted to the Department no later than thirty (30) days after the end of each calendar quarter; ensure that with each new shipment of hazardous waste, a onetime written notice of land disposal restriction is included with the initial manifest and maintained in Lubrizol Foam's records; ensure that manifests are prepared according to the instruction included on the reverse side of the form; and, pay a civil penalty in the amount of thirty-nine thousand dollars (\$39,000.00).

6) Order Type and Number: Consent Order 05-10-HW  
Order Date: April 12, 2005  
Respondent: **Engelhard Surface Technologies**  
Facility: Engelhard Surface Technologies  
Location/Mailing Address: 199 Ridgeview Center Drive  
Duncan, S.C. 29334  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: SCR 000 000 034  
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulations 61-79.262.34(a), R.61-79.262.41(a)(b), R.61-79.265.15(d), R.61-79.265.16(c), R.61-79.265.16(d)(3), R.61-79.265.37, R.61-79.265.52(d)(f), and R.61-79.265.53(b)

Summary: Engelhard Surface Technologies (Respondent), located in Duncan, South Carolina, specializes in industrial coating and painting. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to store hazardous waste onsite for 90 days or less; failure to submit written quarterly reports; failure to submit written quarterly reports according to the instructions included with the form; failure to record hazardous waste inspections in an inspection log or summary; failure to provide an annual review of the initial training; failure to have a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; failure to attempt to make arrangements with local authorities, as appropriate for the types of wastes handled at the facility and the potential need for services; failure to list the names, addresses, and phone numbers of all persons qualified to act as emergency coordinator in the contingency plan; failure to include in the contingency plan an evacuation plan for the facility; and, failure to submit a copy of the contingency plan and all revisions to local authorities.

Action: The Respondent has agreed to: ensure that hazardous waste is not stored for greater than 90 days unless an extension is granted by the Department or a permit for hazardous waste storage is issued; ensure that weekly inspections are recorded in an inspection log or summary; submit quarterly reports to the Department no later than thirty (30) days after the end of each calendar quarter; ensure that an annual review of the initial training is given to facility personnel; ensure that a written description of the type and amount of both introductory and continuing training is maintained for each person filling a position as defined in R.61-79.262.16(d)(1); ensure that the facility operates with a contingency plan that meets the requirements of R.61-79.265 Subpart D – Contingency Plan and Emergency Procedures; ensure that a hazardous waste determination is made on all solid wastes; and pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**). The penalty will be paid in one (1) payment.

### **Underground Storage Tank Enforcement**

7) Order Type and Number: Consent Order 05-0166-UST  
Order Date: April 15, 2005  
Respondent: **Bell Fuels, Inc.**  
Facility: Island Car Wash  
Location/Mailing Address: 1008 William Hilton Parkway  
Hilton Head Island, SC 29928  
County: Beaufort  
Previous Orders: None  
Permit/ID Number: 00990  
Violations Cited: UST Control Regulations, R.61-92,  
§280.93(a), R.61-92, §280.34(c).

Summary: Bell Fuels, a Nevada corporation with headquarters in Chicago, Illinois, owns and operates underground storage tanks located at 1008 William Hilton Parkway in Hilton Head Island, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility, and failure to supply records to the Department upon request.

Action: The Respondent is a repeat violator who has corrected the violations and paid a civil penalty in the amount of one thousand, one hundred dollars (**\$1,100.00**).

8) Order Type and Number: Administrative Order 04-0484-UST  
Order Date: February 2, 2005  
Respondent: **Carolina Entertainment, Inc.**  
Facility: Munn-E Saver/Coastal 105  
Location/Mailing Address: 437 Broad Street  
Sumter, SC 29470  
County: Sumter  
Previous Orders: AO 03-0057-UST (\$11,655)  
Permit/ID Number: 11776

Violations Cited: UST Control Regulations, R.61-92, §280.31(b); R.61-92, §280.93(a); R.61-92, §280.34(c); R.61-92, §280.110(c); SUPERB Act 44-2-60(A).

Summary: Carolina Entertainment, a South Carolina corporation, owns and operates underground storage tanks located at 437 Broad Street in Sumter, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to have the cathodic protection system tested every three (3) years, failure to demonstrate financial responsibility as required by the Department, failure to supply records to the Department upon request, and failure to pay annual tank registration fees.

Action: The Department issued an Administrative Order with a civil penalty of five thousand, two hundred twenty-five dollars (**\$5,225.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by providing corrosion protection system testing results and financial responsibility documentation, and paying the tank fees. The Administrative Order was not appealed.

## **BUREAU OF WATER**

### **Drinking Water Enforcement**

9) Order Type and Number: Consent Order 05-025-DW  
Order Date: March 15, 2005  
Respondent: **Desai Enterprises, Inc.**  
Facility Name: Comfort Inn  
Facility Address: 2227 Highway 21  
Beaufort, S.C. 29902  
County: Beaufort  
Previous Orders: 01-102-DW (\$3,000); 02-211-DW (\$2,430)  
Permit/ID Number: 07-312-B, 07-313-D  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)(14) and (17)

Summary: Desai Enterprises, Inc. (Respondent) owns and is responsible for the operation and maintenance of a swimming pool and spa located at the Comfort Inn. The Respondent has violated the Public Swimming Pool Regulations as follows: improper operation and maintenance.

Action: The Respondent has agreed to: operate and maintain the public swimming pools in accordance with all State regulations, and pay a civil penalty in the amount of four thousand, two hundred dollars (**\$4,200.00**).

- 10)    Order Type and Number:                      Consent Order 05-030-DW  
       Order Date:                                      March 16, 2005  
       Respondent:                                     **Geometrics, Inc.**  
       Facility:                                         N/A  
       Location/Mailing Address:                136 Stonemark Lane, Stonemark Centre,  
   Suite 100  
   Columbia, S.C. 29210  
  
       County:                                         Horry  
       Previous Orders:                                None  
       Permit/ID Number:                           N/A  
       Violations Cited:                            S.C. Code Ann. Regs. 61-71 (H)(1)(a) and  
   61-71(H)(1)(f)

Summary: Geometrics, Inc. (Respondent) is responsible for the proper installation of 9 temporary monitoring wells. The Respondent has violated the State Well Construction Standards as follows: failure to obtain Department approval prior to installation of the temporary monitoring wells, and failure to submit the required well record forms (1903s) within 30 days of completion of the wells.

Action: The Respondent has agreed to: comply with all pertinent State regulations concerning well construction, and pay a civil penalty in the amount of one thousand, five hundred dollars (**\$1,500.00**). The civil penalty has been paid.

- 11)    Order Type and Number:                      Consent Order 05-032-DW  
       Order Date:                                      March 11, 2005  
       Respondent:                                     **Franklin Cooper and Cecil Taylor d/b/a  
Cooper and Taylor Plumbing and Shallow  
Well Service**  
  
       Facility:                                         N/A  
       Location/Mailing Address:                1627 W. Highway 378  
   Gresham, S.C. 29546  
  
       County:                                         Marion  
       Previous Orders:                                None  
       Permit/ID Number:                           N/A  
       Violations Cited:                            S.C. Code Ann. Regs. 61-44(C) and (D), and  
   61-71(F)(2)(e)

Summary: Franklin Cooper and Cecil Taylor (Respondents) d/b/a Cooper and Taylor Plumbing and Shallow Well Service are involved in the business of plumbing and shallow well service. The Respondents have violated the South Carolina Individual Residential Well & Irrigation Well Permitting Regulation and the South Carolina Well Standards as follows: failure to obtain a South Carolina well driller certification prior to installing a well; failure to obtain a permit prior to drilling a well, and failure to grout the well.



Action: The Respondents have agreed to: cease the practice of well drilling in the State of South Carolina, and pay a civil penalty in the amount of four thousand, two hundred dollars (**\$4,200.00**).

- 12)    Order Type and Number:                      Consent Order 05-033-DW  
       Order Date:                                        March 16, 2005  
       Respondent:                                        **Vance Town Hall**  
       Facility:    Vance Town Hall  
       Location/Mailing Address:                      P.O. Box 410  
   Vance, S.C. 29163  
  
       County:    Orangeburg  
       Previous Orders:                                    None  
       Permit/ID Number:                                3870936  
       Violations Cited:                                S.C. Code Ann. Regs. 61-58.5(F)(1)(b), 61-58.7(B)(1), S.C. Code Ann §§ 44-55-40(D) and 44-55-90(B)

Summary: Vance Town Hall (Respondent) is responsible for the operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS and exceeding the maximum contaminant level (MCL) for total coliform.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; correct all deficiencies from the August 31, 2004 Sanitary Survey; and pay a **stipulated penalty** in the amount of two thousand, eight hundred dollars (**\$2,800.00**) if it fails to meet any requirement of this Order.

- 13)    Order Type and Number:                      Consent Order 05-034-DW  
       Order Date:                                        March 16, 2005  
       Respondent:                                        **James Gaddist d/b/a Paradise Lounge**  
       Facility:    Paradise Lounge  
       Location/Mailing Address:                      116 Eartha Way  
   Ridgeville, S.C. 29472  
  
       County:    Berkeley  
       Previous Orders:                                    None  
       Permit ID/Number:                                0870275  
       Violations Cited:                                S.C. Code Ann. Regs. 61-58.7

Summary: James Gaddist (Respondent) d/b/a Paradise Lounge is responsible for the operation and maintenance of a PWS serving the Paradise Lounge. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; correct all deficiencies from the August 31, 2004 Sanitary Survey; and pay a **stipulated penalty** in



continue operating the new well; and pay a **stipulated penalty** in the amount of two thousand dollars (**\$2,000.00**) if it fails to meet any requirement of this Order.

16)    Order Type and Number:                      Consent Order 05-038-DW  
       Order Date:                                      April 5, 2005  
       Respondent:                                    **Maude Alt d/b/a Peach Orchard**  
       Facility:                                         Peach Orchard  
       Location/Mailing Address:                235 Bayview Drive  
   Mt. Pleasant, S.C. 29464  
       County:                                         Charleston  
       Previous Orders:                                None  
       Permit/ID Number:                           1070304  
       Violations Cited:                            S.C. Code Ann. Regs. 61-58.7

Summary: Maude Alt (Respondent) d/b/a Peach Orchard is responsible for the operation and maintenance of a PWS that serves Peach Orchard. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State laws and regulations; correct all deficiencies from the June 11, 2004 and August 31, 2004 Sanitary Surveys; either connect to Mt. Pleasant Water Works, install 8 residential wells, or install a public supply well with 8 service connections; and pay a **stipulated penalty** in the amount of two thousand eight hundred dollars (**\$2,800.00**) if she fails to meet any requirement of this Order.

17)    Order Type and Number:                      Consent Order 05-039-DW  
       Order Date:                                      April 5, 2005  
       Respondent:                                    **Christopher Campbell d/b/a**  
   **Prince William Plantation**  
       Facility:                                         Prince William Plantation  
       Location/Mailing Address:                P.O. Box 10  
   Sheldon, S.C. 29941  
       County:                                         Beaufort  
       Previous Orders:                                None  
       Permit ID/Number:                            0750035  
       Violations Cited:                            S.C. Code Ann. Regs. 61-58.6(E) and 61-58.5(G)

Summary: Christopher Campbell (Respondent) d/b/a Prince William Plantation is responsible for the operation and maintenance of a PWS serving Prince William Plantation. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to conduct bacteriological monitoring; failure to issue public notice for failure to conduct bacteriological monitoring; and failure to issue public notice for an MCL exceedance for bacteria.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit public notice for the non-monitoring and MCL violations; perform monthly bacteriological monitoring; submit all bacteriological monitoring reports for the months of June 2004, August 2004, September 2004, and November 2004; and pay a civil penalty in the amount of six thousand dollars **(\$6,000.00)**.

- 18) Order Type and Number: Consent Order 05-046-DW  
Order Date: April 29, 2005  
Respondent: **Boscaglia Properties, LLC**  
Facility: Midlands Hills MHP  
Location/Mailing Address: 30 Country Meadow Lane  
Lexington, S.C. 29073  
County: Lexington  
Previous Orders: None  
Permit/ID Number: 3260182  
Violations Cited: S.C. Code Ann § 44-55-90(B) and S.C. Code Ann. Regs. 61-58.11(H)

Summary: Boscaglia Properties, LLC (Respondent) is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to conduct the required lead and copper monitoring for 2003 & 2004 monitoring period.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit public notice for the 2004 non-monitoring violation with the CCR; conduct lead and copper monitoring for 2005; and pay a civil penalty in the amount of one thousand, four hundred dollars **(\$1,400.00)**.

- 19) Order Type and Number: Consent Order 05-047-DW  
Order Date: April 27, 2005  
Respondent: **Town of Williams**  
Facility Name: Town of Williams PWS  
Facility Address: P.O. Box 6  
Williams, S.C. 29493  
County: Colleton  
Previous Orders: None  
Permit/ID Number: 1510003  
Violations Cited: S.C. Code Ann. Regs. 61-58.11(H)

Summary: The Town of Williams (Respondent) is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failed to conduct lead and copper monitoring for the 2003 and 2004 monitoring periods.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; conduct lead and copper monitoring and submit the result to the Department; and pay a civil penalty in the amount of one thousand, four hundred dollars **(\$1,400.00)**.

### **Water Pollution Enforcement**

20) Order Type and Number: Consent Order 05-023-W  
Order Date: March 10, 2005  
Respondent: **Steve Moss**  
Facility: Steve Moss Tract  
Location/Mailing Address: 701 South Shelby Street  
Blacksburg, S.C. 29702  
County: Cherokee  
Previous Orders: None  
Permit/ID Number: None  
Violations Cited: S.C. Code Ann. § 48-1-90(a)

Summary: Steve Moss (Respondent) is responsible for development and construction activities on a tract of land (Site) adjacent to 594 Bear Creek Road. The Respondent has violated the Pollution Control Act as follows: discharged sediment into the environment, including waters of the State.

Action: The Respondent has agreed to: submit a notarized statement and photographs documenting that all necessary storm water controls are installed and properly functioning, and pay a civil penalty in the amount of four thousand, six hundred dollars **(\$4,600.00)**. The civil penalty has been paid.

21) Order Type and Number: Consent Order 05-024-W  
Order Date: March 11, 2005  
Respondent: **Kawashima Textile USA, Inc.**  
Facility: N/A  
Location/Mailing Address: 412 Grove Street  
Lugoff, S.C. 29078  
County: Kershaw  
Previous Orders: None  
Permit/ID Number: SC0023264  
Violations Cited: S.C. Code Ann. § 48-110(d) and S. C. Code Ann. Regs. 61-9.122.41(a) and (l)(4)

Summary: Kawashima Textile USA, LLC (Respondent) owns and is responsible for a wastewater treatment facility (WWTF) serving its textile manufacturing facility. The Respondent has violated the Pollution Control Act as follows: failed to comply with the permitted discharge limits for biochemical oxygen demand (BOD), chemical oxygen demand (COD), total suspended solids (TSS) and fecal coliform; and failed to comply with

**Action:** The Respondent has agreed to: submit a schedule for installation of an equalization tank and upon Department approval, the schedule shall be incorporated into and become an enforceable part of this Order; submit either a letter certifying that the WWTF can comply with permitted discharge limits or 3 copies of a Preliminary Engineering Report (PER) for construction of facilities necessary to achieve compliance. The PER shall be administratively and technically complete and shall include an implementation schedule, which upon Department approval, shall be incorporated into and become an enforceable part of this Order; and pay a civil penalty in the amount of twenty-two thousand dollars (**\$22,000.00**). The civil penalty has been paid.

Summary: Keowee River Club, LLC (Respondent) is responsible for land clearing and construction activities. The Respondent has violated the Pollution Control Act as follows: failed to properly install and maintain storm water and sediment erosion control devices, and discharged sediment into the environment, including waters of the State.

Action: The Respondent has agreed to: submit a report prepared by a South Carolina Registered Professional Engineer certifying that all necessary storm water controls are installed and properly functioning, and pay a civil penalty in the amount of ten thousand dollars (**\$10,000.00**).

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Summary: Ronnie's Bulldozer Service, Inc. (Respondent) is responsible for land clearing and construction activities. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: initiated construction activities at the Site prior to obtaining a permit, and discharged sediment into the environment, including waters of the State.

Action: The Respondent has agreed to: submit a report prepared by a South Carolina Registered Professional Engineer certifying that all necessary storm water controls are installed and properly functioning, and pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**) in quarterly installments.

24) Order Type and Number: Consent Order 05-028-W  
Order Date: March 3, 2005  
Respondent: **SCDOT and Eagle Construction Company**  
Facility: Highway 25 (White Horse Road)  
Location/Mailing Address: P.O. Box 191  
Columbia, S.C. 29202-0191  
County: Greenville  
Previous Orders: None  
Permit/ID Number: SCR105718  
Violations Cited: S.C. Code Ann. § 48-1-90(a) and S.C. Code Ann. Regs. 61-9.122.41(a) and (e)

Summary: SCDOT and Eagle Construction Company (Respondents) are responsible for construction activities at the U.S. Highway 25 White Horse Road Widening Project (Site). The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to properly operate and maintain all facilities and systems of treatment and control, and discharged sediments into waters of the State.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a report completed by a South Carolina Registered Professional Engineer certifying that all stormwater and sediment controls have been installed and are functioning properly and that sediment has been removed from a pipe on an adjacent property; and pay a civil penalty in the amount of nine thousand, eight hundred dollars (**\$9,800.00**).

25) Order Type and Number: Consent Order 05-029-W  
Order Date: March 4, 2005  
Respondent: **D & A, LLC**  
Facility: N/A  
Location/Mailing Address: 4142 Dorchester Road  
Charleston, S.C. 29405  
County: Dorchester  
Previous Orders: None

Permit/ID Number: SCG730523  
Violations Cited: S.C. Code Ann. § 48-90(a)

Summary: D&A, LLC (Respondent) owns a sand mining facility (Site). The Respondent has violated the Pollution Control Act as follows: discharged storm water associated with mining activities containing sediment and silt into the environment.

Action: The Respondent has agreed to: pay a civil penalty in the amount of five thousand, six hundred dollars (**\$5,600.00**).

26) Order Type and Number: Consent Order 05-035-W  
Order Date: March 11, 2005  
Respondent: **City of Pickens**  
Facility: Pickens Recreation Center  
Location/Mailing Address: P.O. Box 217  
Pickens, S.C. 29617  
County: Pickens  
Previous Orders: None  
Permit/ID Number: SCR107721  
Violations Cited: S.C. Code Ann. § 48-1-90(a) and S.C. Code  
Ann. Regs 61-68(E)(4)(a)

Summary: The City of Pickens (Respondent) is responsible for development and construction activities encompassing 3.3 acres of the total 42.3 acres for the Pickens Recreation Center property. The Respondent has violated the Pollution Control Act and associated regulations as follows: stormwater control devices were not properly installed and maintained and sediment was discharged into waters of the State.

Action: The Respondent has agreed to: submit a maintenance and inspection report for stormwater controls completed by a South Carolina Registered Professional Engineer; repair any control devices in disrepair immediately; and pay a civil penalty in the amount of fourteen thousand dollars (**\$14,000.00**).

27) Order Type and Number: Consent Order 05-037-W  
Order Date: March 28, 2005  
Respondent: **TECC Properties, LLC**  
Facility: Shoal Creek Subdivision  
Location/Mailing Address: P.O. Box 697  
Lexington, S.C. 29071  
County: Lexington  
Previous Orders: None  
Permit/ID Number: SCR1000000 (SCR108654)  
Violations Cited: S.C. Code Ann. § 48-1-90(a), S.C. Code Ann.  
Regs. 61-9.122.41(e) and 61-68(E)(5)



Summary: TECC Properties, LLC. (Respondent) owns and is responsible for development and construction activities at the Shoal Creek Subdivision (Site). The Respondent has violated the Pollution Control Act, Water Pollution Control Permit Regulations, and the Water Classification and Standards as follows: failed to properly maintain erosion control devices, and discharged sediment into the environment and into waters of the State.

Action: The Respondent has agreed to: comply with permitting and operating requirements in accordance with State and Federal regulations; submit a report completed by a South Carolina Registered Professional Engineer certifying that installation of sediment control devices is complete and in accordance with the approved plans and specifications; and pay a civil penalty in the amount of nine thousand, six hundred dollars (\$9,600.00).

28) Order Type and Number: Emergency Order 05-040-W  
Order Date: April 14, 2005  
Respondent: **Piney Grove Utilities, Inc.**  
Facility: Lloydwood Subdivision  
Location/Mailing Address: 49 Archdale Street  
Charleston, S.C. 29401  
County: Lexington  
Previous Orders: 02-268-W (\$14,000) and 04-007-W (\$31,024  
Suspended)  
Permit/ID Number: SC0031402  
Violations Cited: S.C. Code Ann. § 48-1-90, 48-1-110, S.C.  
Code of Laws § 44-1-140, S. C. Code Ann. Regs. 61-46.1(g), 61-56.III(A) and 61-  
9.122.41(a)(h)(e)(1)(4)

Summary: Piney Grove Utilities, Inc. (Respondent) owns and operates a wastewater treatment facility (WWTF) and wastewater collection system (WWCS) serving the Lloydwood Subdivision. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: operating the facility without a South Carolina certified operator, did not have a South Carolina approved laboratory to analyze all permitted requirements, had not submitted its monthly discharge reports since December 2004; no chlorine was at the facility which is needed for the disinfection of the effluent, discharged untreated wastewater into the receiving stream; and had numerous sanitary sewer overflows in the subdivision that were health hazards.

Action: This Emergency Order (EO) was issued because of the imminent threat to human health and the environment. The EO requires the Respondent to immediately hire a S.C. certified operator of appropriate grade, begin and continue to properly operate and maintain the WWTF and WWCS in accordance with the National Pollutant Discharge Elimination System (NPDES) Permit and all applicable State and Federal regulations.

29)    Order Type and Number:                      Consent Order 05-041-W  
       Order Date:                                      April 20, 2005  
       Respondent:                                     **DeRoyal Textile Corp.**  
       Facility:                                         DeRoyal Textile Corp. WWTF  
       Location/Mailing Address:                125 East York Street  
   Camden, S.C. 29020  
  
       County:     Kershaw  
       Previous Orders:                                None  
       Permit/ID Number:                           SC00002518  
       Violations Cited:                            S.C. Code Ann. § 48-1-110(d) and S.C. Code  
   Ann. Regs. 61-9.122.41(d)

Summary: DeRoyal Textile Corp. (Respondent) is responsible for the operation and maintenance of a WWTF serving its textile manufacturing facility. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent limits for sulfide.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; complete removal of sludge from the WWTF; submit a Corrective Action Plan (CAP)/Diagnostic Evaluation (DE); submit a Preliminary Engineering Report (PER) if an upgrade is required; and pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**). The civil penalty has been paid.

30)    Order Type and Number:                      Consent Order 05-042-W  
       Order Date:                                      April 29, 2005  
       Respondent:                                     **Hutch-N-Son Construction, Inc.**  
       Facility:                                         Community First Bank  
       Location/Mailing Address:                P.O. Box 1874  
   Seneca, S.C. 29679  
  
       County:     Oconee  
       Previous Orders:                                None  
       Permit/ID Number:                            SCR108238  
       Violations Cited:                            S.C. Code Ann. § 48-1-90(a), 48-1-130(a),  
   and S.C. Code Ann. Regs. 61-9.122.41(a) and (e), and 61-9.122.26(c)(1)

Summary: Hutch-N-Son Construction, Inc. (Respondent) is responsible for the land disturbing activity at the Community First Bank adjacent to US Highway 123 near the Town of Seneca (Site). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to obtain a permit prior to initiating land disturbing activity; after obtaining the permit, failed to comply with the requirements of the permit to provide adequate sediment and erosion controls; and failed to comply with a Cease and Desist Order.

Action: The Respondent has agreed to: install an additional sedimentation basin and bring the Site to final grade and pay a civil penalty in the amount of eleven thousand, two hundred dollars (**\$11,200.00**) in quarterly installments.

31)    Order Type and Number:                      Consent Order 05-043-W  
          Order Date:                                      April 29, 2005  
          Respondent:                                      **Detyens Shipyards, Inc.**  
          Facility:    Wando Yard  
          Location/Mailing Address:                      1670 Drydock Avenue  
             N. Charleston, S.C. 29405-2121  
          County:    Berkeley  
          Previous Orders:                                      01-177-W (\$4,200)  
          Permit/ID Number:                                      SC0033022  
          Violations Cited:                                      S.C. Code Ann. § 48-1-110(d) and S.C. Code  
             Ann. Regs. 61-9.122.41(a)

Summary: Detyens Shipyards, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF serving the employees and customers of the Wando Yard located off U.S. Highway 41. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to meet biochemical oxygen demand (BOD), total residual chlorine (TRC), total suspended solids (TSS), and dissolved oxygen (DO) effluent limits.

Action: The Respondent has agreed to: submit a summary of corrective actions taken to date to correct the problem with the WWTF and pay a civil penalty in the amount of nine thousand, six hundred dollars **(\$9,600.00)**.

32)    Order Type and Number:                      Court Order 05-044-W  
          Order Date:                                      April 21, 2005  
          Respondent:                                      **Niemitalo, Inc.**  
          Facility:    Country Club Crossing Subdivision  
          Location/Mailing Address:                      190 Cooper Estates  
             Inman, S.C. 29405  
          County:    Greenville  
          Previous Orders:                                      None  
          Permit/ID Number:                                      SCR106746  
          Violations Cited:                                      S.C. Code Ann. § 48-1-90(a) and S.C. Code  
             Ann. Regs. 61-9.122.41(a) and (e)

Summary: Niemitalo, Inc. (Respondent) is responsible for the development and construction activities in the Country Club Crossing Subdivision. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: discharged sediment into waters of the state and failed to comply with all of its NPDES Permit conditions.

Action: The Court has ordered the Respondent to: pay a civil penalty in the amount of eight thousand, five hundred dollars **(\$8,500.00)**.

## BUREAU OF AIR QUALITY

- 33) Order Type and Number: Consent Order 05-003-A  
Order Date: March 10, 2005  
Respondent: **International Paper - Sampit Lumber Mill**  
Facility: International Paper - Sampit Lumber Mill  
Location/Mailing Address: 2701 Indian Hut Road  
Georgetown, SC 29440  
County: Georgetown  
Previous Orders: None  
Permit/ID Number: 1140-0008  
Violations Cited: U.S. EPA 40 CFR 60.48c(g), South Carolina  
Air Pollution Control Regulation 61-62.60, Subpart Dc, and S.C. Code Ann. § 48-1-110(d)

Summary: International Paper - Sampit Lumber Mill (Respondent) is a lumber mill that processes pine logs into usable lumber. The Respondent violated Federal and State regulations and State statutes as follows: failure to record the amounts of each fuel combusted each day in a gasification boiler; failure to record pressure drop daily on a multiclone and a dust collector; failure to record primary and secondary voltage on an electrostatic precipitator; failure to record visual inspections on boilers, kilns, and a planer shavings cyclone; and failure to include in four quarterly reports all excursions beyond monitoring boundaries and corrective actions taken on all sources and equipment.

Action: Respondent has agreed to: record the amounts of each fuel combusted each day in the gasification boiler; record pressure drop daily; record primary and secondary voltage; record visual inspections; maintain these records; include in its monitoring reports all excursions beyond monitoring boundaries and corrective actions taken on all sources and equipment; and pay a civil penalty in the amount of two thousand, five hundred dollars **(\$2,500.00)**. The penalty has been paid.

- 34) Order Type and Number: Consent Order 05-008-A  
Order Date: March 3, 2005  
Respondent: **Rockland Industries, Inc.**  
Facility: Rockland Industries  
Location/Mailing Address: PO Box 478  
Bamberg, SC 29003  
County: Bamberg County  
Previous Orders: 95-087-A (\$2,000.00) 98-022-A (\$3,200.00)  
03-067-A (\$9,400.00)  
Permit/ID Number: CM-0260-0002  
Violations Cited: S.C. Code Ann. §48-1-110(d)

Summary: Rockland Industries, Inc., (Respondent), located in Bamberg, South Carolina, manufactures finished textile goods. The Respondent has violated requirements of its permit as follows: the respondent failed to submit semi-annual and annual emissions reports.

Action: The Respondent has agreed to submit the required reports no later than the date required in the permit and pay a civil penalty in the amount of three thousand, five hundred dollars (**\$3,500.00**). The penalty has been paid.

35) Order Type and Number: Consent Order 05-009-A  
Order Date: March 10, 2005  
Respondent: **Withers Industries, Inc.**  
Facility: Withers Industries, Inc.  
Location/Mailing Address: 665 Lincoln Avenue  
Lincolnvile, SC 29485  
County: Charleston  
Previous Orders: 02-030-A (\$7,000.00)  
Permit/ID Number: 0560-0160  
Violations Cited: S.C. Code Ann. §48-1-110(d)

Summary: Withers Industries, Inc. (Respondent), manufactures custom window shutters in a process involving woodworking and painting operations. Respondent violated requirements of its permit as follows: failure to ensure that baghouse pressure drop gauges were operable; failure to record baghouse pressure drop readings daily during source operation and maintain these records in a log along with any corrective action taken when incidences of operation outside the operational ranges occurred; failure to submit for approval operational ranges for the monitored parameters of the baghouses; failure to submit semiannual reports of incidences outside of the operational ranges of the baghouses; failure to submit quarterly reports of volatile organic compound (VOC) and hazardous air pollutant (HAP) consumption and emissions; and failure to maintain a log of actual modifications to the facility.

Action: Respondent has agreed to: properly operate pressure drop gauges; record baghouse pressure drop readings daily and maintain these records in a log along with any corrective action taken when incidences of operation outside these operational ranges occur; maintain a log of actual modifications to the facility; submit reports of VOC and HAP consumption and emissions; submit reports of incidences outside of the operational ranges of the baghouses; and pay a civil penalty in the amount of six thousand dollars (\$6,000.00). The Respondent demonstrated a financial inability to pay the assessed penalty; the Department suspended six thousand dollars (\$6,000.00) of the penalty.

36) Order Type and Number: Consent Order 05-010-A  
Order Date: March 23, 2005  
Respondent: **Sharp Construction Company of Sumter, Inc.**  
Facility: Sharp Construction Company of Sumter, Inc.  
Location/Mailing Address: PO Box 1368  
Sumter, SC 29151  
County: Lexington  
Previous Orders: None

Permit/ID Number: None  
Violations Cited: South Carolina Air Pollution Control Regulations 61-86.1, Section III.A.1.and A.2., Section VI.B.2.and B.5., Section VI.D., Section XIV.B.1.b.and B.1.d.

Summary: Sharp Construction Company of Sumter, Inc. (Respondent), is a general contractor. Respondent violated Federal and State asbestos regulations as follows: failure to provide the Department with applicable written notice before beginning removal of asbestos-containing material (ACM) which was to be handled in such a manner as to cause it to become regulated ACM (RACM); failure to obtain an asbestos project license from the Department prior to beginning an asbestos project; failure to use workers licensed by the Department prior to engaging in an asbestos project involving RACM; failure to adhere to the required work practice requirements for an asbestos project involving RACM; failure to provide the Department with a written request for disposal of ACM prior to transporting the waste; and failure to obtain a written disposal permit from the Department for disposal of ACM in a landfill approved by the Department to accept ACM.

Action: Respondent has agreed to: provide the applicable written notice of intent prior to beginning any asbestos project involving RACM; obtain an asbestos project license prior to beginning any asbestos project involving RACM; ensure that no workers engage in an asbestos project involving RACM unless licensed by the Department; provide a written request for disposal of ACM prior to transporting the waste to a landfill approved by the Department to accept the waste; obtain a written disposal permit acknowledging the approved landfill for disposal of ACM; and pay a civil penalty in the amount of five thousand dollars (\$5,000.00). The penalty has been paid.

37) Order Type and Number: Consent Order 05-011-A  
Order Date: March 23, 2005  
Respondent: **Alcoa Home Exteriors**  
Facility: None  
Location/Mailing Address: 100 Cellwood Place  
Gaffney, SC 29340  
County: Cherokee  
Previous Orders: None  
Permit/ID Number: 0600-0016  
Violations Cited: S.C. Code Ann. §48-1-90(a) and S.C. Code Ann. §48-1-110(d)

Summary: Alcoa Home Exteriors (Respondent), located in Gaffney, South Carolina, manufactures and paints plastic building products such as decorative window shutters. The Respondent has violated requirements of its permit, in that it exceeded its permitted VOC emissions limit during a Department-approved source test failed to calculate and report its HAP emissions. The Respondent also failed to conduct the required source test within the time frame established by its permit.

Action: The Respondent has agreed to: calculate emissions as required by its permit; conduct required source tests in accordance with time frames established by its

permit; limit its VOC emissions to no more than those specified by its permit; run its VOC control device at all times when the process is running to ensure compliance with its permitted VOC emission limit; and pay a civil penalty in the amount of twelve thousand dollars (**\$12,000.00**). The penalty has been paid.

38)    Order Type and Number:                      Consent Order 05-012-A  
       Order Date:                                        March 23, 2005  
       Respondent:                                        **Grayson Knight**  
       Facility:    Grayson Knight  
       Location/Mailing Address:                      4347 Chisolm Road  
    Johns Island, SC 29455  
  
       County:    Charleston County  
       Previous Orders:                                    None  
       Permit/ID Number:                                None  
       Violations Cited:                                South Carolina Air Pollution Control  
    Regulation 61-62.2, *Prohibition of Open Burning*.

Summary:        Grayson Knight (Respondent) owns property on Old Orangeburg Road in Jedburg, South Carolina. The Respondent violated South Carolina Air Pollution Control Regulations as follows: The Respondent burned land clearing debris within 1,000 feet of an adjacent residence on the following five dates: January 6, 2004; January 15, 2004; January 28, 2004; June 2, 2004; and June 16, 2004. The respondent was informed of the Department's open burning regulation following each complaint investigation.

Action:            The Respondent has agreed immediately and henceforth to cease open burning except as in compliance with South Carolina Air Pollution Control Open Burning Regulations. In addition, the Respondent has agreed to pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**). The penalty has been paid.

39)    Order Type and Number:                      Consent Order 05-013-A  
       Order Date:                                        March 23, 2005  
       Respondent:                                        **Luke Wofford Trucking, Inc.**  
       Facility:    Luke Wofford Trucking, Inc.  
       Location/Mailing Address:                      126 Sammye's Lane  
    Florence, SC 29506  
  
       County:    Lexington  
       Previous Orders:                                    None  
       Permit/ID Number:                                None  
       Violations Cited:                                South Carolina Air Pollution Control  
    Regulations 61-86.1, Section III.A.1. and A.2., Section VI.B.2. and B.5., Section VI.D., Section XIV.B.1.b. and B.1.d.

Summary:        Luke Wofford Trucking, Inc. (Respondent), is a construction contractor. Respondent violated Federal and State asbestos regulations as follows: failure to provide the Department with written notice before beginning removal of asbestos-containing material (ACM) which was to be handled in such a manner as to cause it to

become regulated ACM (RACM); failure to obtain an asbestos project license from the Department prior to beginning an asbestos project; failure to use workers licensed by the Department prior to engaging in an asbestos project involving RACM; failure to adhere to the required work practice requirements for an asbestos project involving RACM; failure to provide the Department with a written request for disposal of ACM prior to transporting the waste; and failure to obtain a written disposal permit from the Department for disposal of ACM in a landfill approved by the Department to accept ACM.

Action: Respondent has agreed to: provide the applicable written notice of intent prior to beginning any asbestos project involving RACM; obtain an asbestos project license prior to beginning any asbestos project involving RACM; ensure that no workers engage in an asbestos project involving RACM unless licensed by the Department; provide a written request for disposal of ACM prior to transporting the waste to a landfill approved by the Department to accept the waste; obtain a written disposal permit acknowledging the approved landfill for disposal of ACM; and pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**), payable in two payments.

40) <u>Order Type and Number:</u>	Consent Order 05-014-A
<u>Order Date:</u>	March 23, 2005
<u>Respondent:</u>	<b>Industrial Recovery &amp; Recycling, Inc.</b>
<u>Facility:</u>	None
<u>Location/Mailing Address:</u>	3100 Green Road Greer, SC 29651
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	2060-0239
<u>Violations Cited:</u>	South Carolina Air Pollution Control Regulation 61-62.1, Section II, <u>Permit Requirements</u> , S.C. Code Ann. §48-1-110(d)

Summary: Industrial Recovery & Recycling, Inc. (Respondent), located in Greer, South Carolina, reprocesses polyester and other materials into pellet form. The Respondent has violated Department regulations in that it failed to obtain required Department-issued permits prior to installing and operating a polypropylene processing line and a nylon processing line, and modifying two existing Polyester Processing Lines; and requirements of its permit, in that the Respondent failed to maintain its air pollution control equipment adequately, document maintenance activities on air pollution control equipment, and ensure that air pollution control equipment was on-line and operational at all times when the process was operating.

Action: The Respondent has agreed to: obtain required Department-issued permits prior to installing, modifying, or operating sources of air contaminants; maintain pollution control equipment such that the equipment can operate within its design specifications; operate the pollution control equipment in accordance with the requirements of the its permit; maintain records of maintenance activities performed on pollution control equipment as required by its permit; and pay a civil penalty in the amount of six thousand dollars (**\$6,000.00**).



41)    Order Type and Number:                      Consent Order 05-015-A  
          Order Date:                                      April 13, 2005  
          Respondent:                                      **Parthenon Marble Products, Inc.**  
          Facility:    Parthenon Marble Products, Inc.  
          Location/Mailing Address:                      106 Interstate Boulevard  
             Greenville, South Carolina 29615  
          County:    Greenville County  
          Previous Orders:                                      None  
          Permit/ID Number:                                      1200-0260  
          Violations Cited:                                      S.C. Code Ann §48-1-110(d) and South  
          Carolina Air Pollution Control Regulation 61-62.1, Section II, *Permit  
          Requirements.*

Summary:    Parthenon Marble Products, Inc. (Respondent), located in Greenville, South Carolina, manufactures cultured-marble sinks, bathtubs, showers, and other similar products. The Respondent violated S.C. Code Ann §48-1-110(d) and South Carolina Air Pollution Control Regulations as follows: failure to record and maintain a log of filter changes and daily pressure drop readings on the dry-filter module from May 1 through August 12, 2004; failure to maintain a legible log of maintenance performed on the dust collection unit for area A; failure to operate the dust collection unit for area A at optimum capacity and failure to request an exemption from permitting or obtain a construction permit prior to the relocation of area B.

Action:            The Respondent has agreed to: henceforth record and maintain a log of filter changes and daily pressure drop readings for the dry-filter module; henceforth operate the dust collection unit at optimum capacity at all times area A is in use; henceforth obtain all required Department-issued permits prior to the construction, alteration, or addition of any source of air contaminants; submit a copy of its plan to maintain adequate records of routine maintenance conducted on the dry-filter module and the dust collection unit; and pay a civil penalty in the amount of three thousand dollars (**\$3,000.00**). The penalty has been paid.

42)    Order Type and Number:                      Consent Order 05-016-A  
          Order Date:                                      April 15, 2005  
          Respondent:                                      **Hi-Tech Construction, Inc.**  
          Facility:    Hi-Tech Construction, Inc.  
          Location/Mailing Address:                      P.O. Box 30430  
             Myrtle Beach, SC 29588  
          County:    Horry  
          Previous Orders:                                      02-085-A (\$4,000.00), 99-045-A (\$1,500.00)  
          Permit/ID Number:                                      N/A  
          Violations Cited:                                      Consent Order 02-085-A, and South Carolina  
          Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning

Summary:    Hi-Tech Construction, Inc. (Respondent), is a construction and land-clearing company. The Respondent violated Consent Order 02-085-A and South Carolina

Open Burning Regulations by burning land-clearing debris within 1,000 feet of a public roadway.

Action: Respondent has agreed to: henceforth cease open burning except as provided by South Carolina Open Burning Regulations; and pay a civil penalty in the amount of seven thousand two hundred dollars **(\$7,200.00)**. The penalty has been paid.

43) Order Type and Number: Consent Order 05-017-A  
Order Date: April 20, 2005  
Respondent: **Kel Chemicals, Inc.**  
Facility: Kel Chemicals, Inc.  
Location/Mailing Address: 112 Sulphur Springs Road  
Greenville, South Carolina 29610  
County: Greenville County  
Previous Orders: None  
Permit/ID Number: 1200-0295  
Violations Cited: South Carolina Air Pollution Control  
Regulation 61-62.1, Section II, Permit Requirements, and U.S. Environmental  
Protection Agency ("EPA") Regulations at 40 CFR 60.7(a)(1) and (a)(3).

Summary: Kel Chemicals, Inc. (Respondent) located in Greenville, South Carolina, manufactures cotton softener for textile companies. The Respondent violated South Carolina Air Pollution Control Regulations as follows: failure to apply for and obtain required Department-issued permits prior to installing and operating sources of air contaminants. The Respondent violated Federal Regulations as follows: failure to submit both notification of commencement of construction and notification of start-up of operation of equipment subject to U.S. EPA Regulation 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

Action: The Respondent has applied for and obtained required Department-issued permits and submitted the necessary notifications. The Respondent has agreed henceforth to apply for and obtain required Department-issued permits prior to installing, operating, or modifying sources of air contaminants, and to pay a civil penalty in the amount of five thousand dollars **(\$5,000.00)**. The penalty has been paid.

44) Order Type and Number: Consent Order 05-018-A  
Order Date: April 20, 2005  
Respondent: **Tyler Construction Company, Inc.**  
Facility: Tyler Construction Company, Inc.  
Location/Mailing Address: 433 Rabon Road  
Columbia, SC 29223  
County: Richland  
Previous Orders: None  
Permit/ID Number: N/A

Violations Cited: U.S. EPA 40 CFR 61.145(b)(3)(i) and (c); and South Carolina Air Pollution Control Regulations 61-86.1, Section III.A.1. and 2., Section IV.B.2. and 5., Section V.B.1.a., and Section V.D.

Summary: Tyler Construction Company, Inc. (Respondent), is a construction company. Respondent violated Federal and State asbestos regulations as follows: failure to ensure that a valid asbestos inspection was performed prior to beginning an asbestos project; failure to provide the Department with written notice at least 10 working days before beginning removal of regulated asbestos-containing materials (RACM); failure to obtain an asbestos project license from the Department prior to beginning an asbestos project; failure to use workers licensed by the Department; and failure to adhere to work practice requirements for an asbestos project involving RACM, including but not limited to wetting and proper removal and disposal of RACM.

Action: Respondent has agreed to: ensure that a valid asbestos inspection is performed prior to beginning any renovation or demolition of a regulated structure or building; provide the Department with the applicable written notice of intent prior to beginning any asbestos project involving RACM; obtain an asbestos project license prior to beginning any asbestos project involving RACM; ensure that no workers engage in an asbestos project involving RACM unless licensed by the Department; ensure that RACM is removed, stored, and disposed of in accordance with the asbestos regulations; and pay a civil penalty in the amount of four thousand seven hundred fifty dollars (**\$4,750.00**). The penalty is due May 20, 2005.